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**From:** Kazempoor, Kelly [kazempoor.kelly@epa.gov]  
**Sent:** 6/17/2019 8:41:40 PM  
**To:** OCSPP Daily Clips [OCSPP-Daily-Clips@epa.gov]  
**Subject:** Daily Clips 6/17/19

**POLITICO Pro: SCOTUS upholds uranium mining ban**

The Washington Examiner: Daily on Energy: Chemical group CEO dishes on the Green New Deal, carbon pricing, and more

The Washington Post: It's time for regulatory agencies to start putting public health ahead of private profit

The Hill: Overnight Energy: Measure would force EPA to regulate 'forever chemicals' in water

The Hill: Oregon officials start work removing barrels labeled with Agent Orange chemicals from bottom of lake

The Hill: Bipartisan senators propose forcing EPA to set drinking water standard for 'forever chemicals'

Bloomberg Environment: Exxon Mobil Asks EPA to Examine Risks of Two Plastics Chemicals

Bloomberg Environment: EPA Says Traveling Smog Won't Impede State Ozone Cuts

**POLITICO Pro**

**SCOTUS upholds uranium mining ban**

<https://subscriber.politicopro.com/newsletters/afternoon-energy/2019/06/scotus-upholds-uranium-mining-ban-657651>

**By Maya Parthasarathy**

**SCOTUS UPHOLDS URANIUM MINING BAN:** The Supreme Court in a 6-3 ruling today ruled in favor of Virginia's 1982 uranium mining ban, Pro's Alex Guillén reports. Virginia Uranium Inc. had challenged the ban, arguing that since uranium mining was outlawed over concerns about radioactive contamination, the law overstepped its boundaries into federal jurisdiction. But Justice Neil Gorsuch in his main opinion said the federal Atomic Energy Act does not preempt state mining laws. While they agreed with his conclusion, Justices Ruth Bader Ginsburg, Sonia Sotomayor and Elena Kagan raised concerns that Gorsuch's opinion was inappropriate to speak for the court based on its discussion on "the perils of inquiring into legislative motive." Meanwhile Chief Justice John Roberts and Justices Stephen Breyer and Samuel Alito dissented.

**Trade connection:** The ruling is good news for Western uranium miners, who could see the value of their deposits increase if President Donald Trump approves new tariffs on foreign imports. If the Commerce Department imposes a requirement that 25 percent of uranium used in the U.S. be produced domestically, fuel prices would likely skyrocket and force some older nuclear plants to close, according to the Nuclear Energy Institute. Get the full story from Pro Energy.

**ON THE HILL**

**CLIMATE ROLL CALL:** The House plans to vote Tuesday night on more than two dozen amendments to its fiscal 2020 State-Foreign operations spending bill, H.R. 2740 (116), including on cutting funding related to climate change, Pro's Jennifer Scholtes reports. Votes are expected on at least three climate amendments, with parties that would lose federal funding including the United Nations Framework Convention on Climate Change, the Intergovernmental Panel on Climate Change and the Green Climate Fund. Another amendment would stop funding to the Paris climate agreed and let the Trump administration withdraw from the pact. Get the details from Pro Budget & Appropriations.

**PFAS AND FURIOUS:** The Senate Environment and Public Works Committee this Wednesday will consider a bipartisan bill on a class of toxic chemicals that was also filed as an amendment to the National Defense Authorization Act, Pro's Annie Snider reports. The bill, a compromise amendment to S. 1507 (116), would require EPA to set an enforceable drinking water limit for PFOA and PFOS within two years, as well as require the agency to act on the chemicals as more about their health dangers is known. It would also require public reporting on emissions and limits and data reporting under

the Toxic Substances Control Act — though no deal has been reached yet regarding the designation of chemicals as hazardous with regards to Superfund.

If you go: The markup is scheduled for 9:30 a.m. on Wednesday at 406 Dirksen Senate Office Building.

#### AROUND THE AGENCIES

**WHO MOVED MY FOIA?** Campaign for Accountability, Western Values Project, American Oversight and other groups have asked the Interior Department's inspector general to investigate the department's allowing political staff to review public information requests. At issue is Interior's Freedom of Information Act Awareness Process, which allows staff to weigh in on FOIA requests in which they're mentioned. Interior Solicitor Daniel Jorjani said in his confirmation hearings that the process is benign, but the groups are alleging it allows staff to interfere with the process, delay fulfillment of the requests and withhold documents. Read the complaint.

#### BEYOND THE BELTWAY

**MORE AMBITIOUS THAN PARIS DEAL:** New York state's amended Climate and Community Protection Act, NY A3876 (19R), published today, would set the most aggressive greenhouse gas reduction and renewable energy goals in the U.S. — and ask for faster reductions than those proposed under the Paris climate deal, Pro New York's Marie J. French reports. The bill, which is the outcome of negotiations between the state Assembly, Senate and governor's office, has the goal of cutting human-caused greenhouse gas emissions 85 percent by 2050, as compared to the 1990 level. It would also codify Gov. Andrew Cuomo's "Green New Deal" goal of generating 70 percent of electricity in-state from renewables by 2030.

Cuomo had raised concerns about an earlier version of the CCPA that would require 40 percent of all clean energy money the state collects to go to disadvantaged communities; the new version lowers the target to 35 percent. Another provision focused on environmental justice would also create an air quality monitoring program for underserved populations. Get the details from POLITICO Pro New York.

**CYBERWAR WITH RUSSIA? MAYBE:** A spokesperson for Russian President Vladimir Putin told reporters today that a U.S. "cyberwar against Russia might be a hypothetical possibility" when asked about a New York Times story that claims U.S. Cyber Command operators deployed American codes into Russia's power grid, Pro's Eric Geller reports. Trump had previously tweeted that the Times' reports that the U.S. is infiltrating the country's grid as a deterrent against Russian aggression was false. The spokesperson, Dmitry Peskov, said Moscow had attempted to work with the U.S. on cybersecurity issues to no response — a claim American intelligence experts have dismissed. The Russian energy ministry today also told Interfax its power grid was safe from the U.S. because it had "a high level of protection." Get the details from Pro Cybersecurity.

#### REPORT ROUNDUP

**RENEWED CONFIDENCE:** Investors are generally confident that the renewable energy sector will continue to grow for at least the next three years, but some updates are necessary for continued growth, according to the results of a survey released today by the nonprofit American Council on Renewable Energy. "Over the long-term, however, the renewable sector is going to need predictable policy drivers, competitive power markets and a modernized grid to meet its potential and answer Americans' growing calls for a clean energy economy," said Gregory Wetstone, ACORE's president and CEO, in a release. The private sector in 2018 invested more than \$56 billion in the U.S. renewable energy market, including energy storage, according to the report. ACORE last year launched a campaign in the U.S. private sector to reach \$1 trillion in renewable energy and enabling grid technology investments by 2030. Read the full report.

#### **The Washington Examiner**

##### **Daily on Energy: Chemical group CEO dishes on the Green New Deal, carbon pricing, and more**

<https://www.washingtonexaminer.com/policy/energy/daily-on-energy-chemical-group-ceo-dishes-on-the-green-new-deal-carbon-pricing-and-more>

**By John Siciliano and Josh Siegel 06/17/19**

CHEMICAL GROUP CEO DISHES ON THE GREEN NEW DEAL, CARBON PRICING, AND MORE: The chemical industry's top lobbyist in Washington doesn't see much hope for the Green New Deal in Congress, but nevertheless expects his sector to embrace the politics of climate change and press for policies to make reducing emissions financially attractive.

"Having served in Congress for seven terms, I look at this, it's a political document ... not a policy prescription," Cal Dooley, CEO of the American Chemistry Council, said of the Green New Deal in an interview with John.

"It'll never receive congressional action," he added.

Dooley, 65, has been in the role for just over a decade, and also served 14 years in the House as a California Democrat.

The industry sector he represents includes such petrochemical heavyweights as Dow Chemical, which have been reinvesting in the U.S. because of the shale boom, which has kept natural gas prices low. The chemical industry relies on natural gas as its primary feedstock.

But at the same time, it is adopting policy directives that demonstrate the industry's commitment to lowering greenhouse gas emissions, said Dooley.

The concept of the Green New Deal is to try and gain support for actions that address climate change and reduce greenhouse gas emissions, he said. "Our industry is generally committed" to that goal, Dooley explained.

At the Council's last board meeting, its members adopted ways of measuring the industry's emission cuts. He explained that the industry is looking to reduce greenhouse gases across both the production of petrochemicals and the sector's use of energy.

The industry backs energy efficiency measures and technologies, looking to recycle its own waste gases to produce electricity to both power both its facilities and the broader grid.

Globally, the chemical industry wants to position itself as integral to countries meeting their greenhouse gas reduction targets, Dooley said. Without the polymers and plastics his sector produces, advanced batteries for energy storage, silicon-based solar panels, wind turbine blades, and other pieces of the clean energy economy aren't possible.

"Most don't realize, every wind turbine, on average, has about 10 tons of polymers," Dooley explained.

"We are uniquely positioned as an industry to be, perhaps, the most important and integral to any country's ability to achieve significant reduction in their greenhouse gas emissions," Dooley said.

What policy levers are available: Dooley thinks the Congress can find broad support for placing a "price on carbon," and his industry general supports that idea.

It's only when "you try to translate that into a policy, that's where it all falls apart," he said.

The idea of a carbon tax is probably the most contentious policy tool being discussed, because of the potential for government waste, fraud and abuse in misusing the tax revenue.

"A lot of my Democratic friends in Congress would say, 'we ought to use a carbon tax, not only to reduce greenhouse gas emissions, but to generate additional revenues that we can spend on a whole host of projects,' he said. "Republicans, certainly, aren't going to accept that."

The Council believes if Congress is going to go down that path of placing a price on carbon, it ought to be "rebated" in some way to the general public, he explained.

The industry would have significant worries if a carbon tax were passed to fund something like the Green New Deal, which Dooley said could undermine private sector investment decisions.

**SUPREME COURT UPHOLDS VIRGINIA BAN ON URANIUM MINING:** The Supreme Court issued a ruling Monday that said the Commonwealth of Virginia has the explicit right to ban the mining of uranium in the state.

Industry, backed by the Trump administration, had tried to argue that the 1954 Atomic Energy Act preempted the states from preventing mining. A company wishing to mine in the state argued that states should not be able to block permits once issued by the Nuclear Regulatory Commission in Washington.

The justices voted 6-3 that the state's ban be upheld. The justices agreed that the state's ban is supported by federal law. However, the majority stood divided in its reasoning.

Justice Neil Gorsuch wrote the opinion, which was adopted by Justices Brett Kavanaugh and Clarence Thomas. Liberal Justice Ruth Bader Ginsburg concurred, along with Justices Elena Kagan and Sonia Sotomayor.

Chief Justice John Roberts dissented against the majority opinion, along with Justices Samuel Alito and Stephen Breyer.

**ZERO-CARBON SOURCES COMBINE TO GENERATE MOST ELECTRICITY:** Zero-carbon resources combined to generate the most electricity in 2017 — a marker that's never happened before — according to new data of the nation's largest 100 utilities released by Ceres, a sustainability nonprofit.

In 2017, renewables, counted as wind, solar and geothermal, and other zero-carbon sources (nuclear and hydro) generated more than 35% of U.S. electricity. Natural gas was the leading source of electricity on its own at 32.1%, followed by coal with 29.8%.

Out of the zero-carbon sources, nuclear generated the highest share of electricity at 19% total. Eighty-three of the largest utilities generated power from zero-carbon sources in 2017.

The report, however, found that carbon emissions in the electricity sector increased slightly from 2017 to 2018 after falling 20% since their peak in 2005.

"It's encouraging to see so many of the largest power producers in the U.S. pivot toward lower-carbon and zero-carbon solutions," said Dan Bakal, senior director of electric power at Ceres. "Yet, as the benchmark analysis continues to make clear, we must increase corporate ambition and find solutions to transform the power sector at a scope and scale that matches the climate crisis."

**INVESTORS CONFIDENT IN CONTINUED GROWTH OF RENEWABLES:** U.S. financial institutions are confident about the prospects for continued growth of the renewable energy industry, according to a report released Monday.

The American Council on Renewable Energy's (ACORE) survey of investors found that one-third of respondents plan to increase their investments in renewables by more than 10% in 2019 compared to last year.

No respondents said they would decrease their companies' investments by more than 5%. Most respondents — 77% — said they are confident U.S. renewable energy growth will remain high over the next three years compared to other asset classes.

The U.S. attracted \$56.7 billion of investments in renewable energy and accommodating grid technologies in 2018, an amount of capital ranking second to China.

ACORE has set a goal of attracting \$1 trillion in U.S. private sector investment in renewables by 2030.

Greg Wetstone, ACORE's president and CEO, said the renewable industry will need additional federal policy help to meet the \$1 trillion goal, such as tax credits for carbon-free electricity generation and energy storage, a clean electricity standard, or a carbon tax.

PROGRESSIVES ARE DIVIDED ON SPECIFICS OF CLIMATE POLICY, SURVEY FINDS: A survey conducted by the progressive voter mobilization group Climate Hawks Vote found progressives are divided about the specifics of policy to combat climate change.

RL Miller, founder of Climate Hawks, told Josh she distributed the survey to members of the group's email list as a way to show the need for a climate change debate in the Democratic primary of the presidential race. The DNC has rejected the call, led by candidate Jay Inslee, for a climate-only debate.

"I ran the survey because I wanted to demonstrate to the DNC and debate moderators that there are myriad questions to be asked on climate policy beyond 'should the US return to the Paris agreement?' There are plenty of areas of disagreement," she said.

For example, most of the 1,238 respondents to Miller's survey said they support some form of a carbon tax (about 88%). However, respondents differed over what to do with the revenue, with 71% favoring using the money to upgrade infrastructure, and 17% preferring to provide a dividend to U.S. households.

Respondents were more divided over nuclear power. About 41% support nuclear power, but that percentage is split almost evenly between those who support keeping existing reactors while not building new ones, and those who favor maintaining the current fleet and also building new advanced reactors. Fifty-nine percent want to get rid of nuclear altogether.

EPA'S WHEELER EMPHASIZES CLEAN WATER GOALS AT G-20 MEETING: EPA Administrator Andrew Wheeler emphasized combating marine litter and improving water quality in his appearance at the G-20 Energy and Environmental Ministers meeting this weekend.

The EPA said Wheeler met in Japan with environmental ministers or deputy minister of seven countries, including the host country, South Korea, Brazil, Thailand, China, Saudi Arabia, and Vietnam. EPA said Wheeler wants to work with the six Asian nations that are the largest contributors to marine litter to combat the problem.

The EPA said Wheeler also referenced U.S.' success in reducing carbon emissions — despite emissions rising in 2018. EPA did not mention climate change in its recap of the G-20 gathering.

### **The Washington Post**

#### **It's time for regulatory agencies to start putting public health ahead of private profit**

[https://www.washingtonpost.com/outlook/2019/06/17/its-time-regulatory-agencies-start-putting-public-health-ahead-private-profit/?utm\\_term=.53d6c499da85](https://www.washingtonpost.com/outlook/2019/06/17/its-time-regulatory-agencies-start-putting-public-health-ahead-private-profit/?utm_term=.53d6c499da85)

**By Shana Bernstein 06/17/19**

A few weeks ago, California joined New York and Hawaii in banning chlorpyrifos, an agricultural pesticide that has been blamed for brain and neurological development issues in children living and attending school near the fields where it's used. This came on top of jury verdicts in favor of plaintiffs who sued Monsanto, claiming that its popular pesticide Roundup had contributed to their developing cancer.

These events signal that the tide may be turning in a half-century battle against toxic pesticides. Activists have used a variety of strategies to target the dangerous effects of pesticides at the state and federal levels. But they have mostly been successful only at the federal level by focusing on individual pesticides with a proven track record of harm. This has allowed other dangerous pesticides to pass muster with the Food and Drug Administration and the Environmental Protection Agency because regulators have focused more on corporate well-being than on protecting public health.

Fifty years ago this summer, the Senate Subcommittee on Migratory Labor held hearings on pesticides after the United Farm Workers (UFW) managed to get the attention of the committee chaired by Sen. Walter Mondale (D-Minn.).

Congress was paying attention partly because of a boycott that had won over American consumers. As part of its campaign to protect its members from exposure to toxic chemicals such as DDT and Aldrin, the UFW began a consumer boycott of grapes. This was a smart move because while grape buyers might not be moved to act to protect the workers harvesting grapes, they were alarmed to learn that pesticides, specifically the residue left on produce, made the fruit unsafe to eat. This enlisted consumers into the UFW's fight to protect farmworkers, whose bodies were on the front lines of pesticide exposure.

The hearings helped the UFW prove the public could not trust the Food and Drug Administration's claims that widely used agricultural pesticides were safe, for consumers and workers. They also showed a weakness in state-level regulations. A UFW study revealed that residues of DDT, a suspected human carcinogen, were on California grapes sold in Washington state grocery stores, despite claims to the contrary from state regulators.

The UFW also revealed that grapes sold at a California Safeway store were contaminated with the toxic pesticide Aldrin, linked to convulsions and kidney damage among other human health effects. Growers had claimed that Aldrin hadn't been used in three years, but Safeway's independent tests confirmed its presence. Instead of investigating how the pesticide found its way onto the grapes, the FDA and growers simply questioned the tests' accuracy without even checking the reports.

The emphasis on consumer safety worked. A few months later, California's state agriculture regulators barred 91 pesticides from use on crops and planned to impose restrictions on 120 others. Many growers were forced to sign UFW contracts banning chemicals such as Aldrin and DDT. Contracts also specified that growers monitor farmworkers' pesticide exposure using the same standards California state law already required for crop dusters and pesticide industry workers.

UFW activism also helped propel federal policy shifts by connecting consumer and farmworker interests to environmental issues that concerned the newly created Environmental Protection Agency. The combined efforts of the UFW, environmental groups and other organizations resulted in federal bans of many toxic pesticides, most prominently DDT, which endangered the environment, including birds and aquatic life, and had potentially dangerous effects for people. Emphasizing the combined dangers pesticides posed to consumers, workers and the environment was effective.

And yet, despite these advancements, U.S. regulatory agencies continued to favor business and profits over public health and environmental concerns, especially if there was any uncertainty about pesticides' dangers.

For example, 50 years later, products like Roundup are still on the market. Many homeowners and gardeners use it to control weeds but are unaware that agencies, including the World Health Organization's International Agency for Research on Cancer, have deemed glyphosate, the herbicide used in Roundup, "probably carcinogenic to humans." Besides putting workers and property residents at risk, glyphosate is implicated in undermining bees' health, and many scientists suspect that it may negatively affect the environment over time as well.

Why the discrepancy between the swift ban on DDT and the delay on Roundup and other pesticides, which remain on the market despite seeming to threaten public health and the environment? Because at least some of DDT's dangerous consequences were fairly immediately apparent, including how it decimated the bald eagle population. By contrast, for pesticides that may cause cancer (including DDT), the health consequences may not appear for decades after exposure. This produces uncertainty, making it easier for pesticide companies to fend off stricter limits and stronger oversight. The result is that agencies such as the EPA, Health Canada and the European Food Safety Authority have concluded that glyphosate is safe — although eight out of 15 of the EPA's scientists disagreed.

But there's hope. Like the campaign that the UFW waged 50 years ago, regulatory successes are happening at the state level. And this time, the efforts are being furthered by judges and juries as well.

Plaintiffs are suing Monsanto over Roundup — and winning.

In August, a state court in San Francisco ordered Monsanto to pay \$289 million to groundskeeper Dewayne Johnson, 46, after a jury concluded that workplace use of Roundup contributed to his non-Hodgkin's lymphoma. His legal team presented internal Monsanto emails that, they argued, showed Monsanto knew and ignored evidence that Roundup wasn't safe.

In March, a federal jury ordered Monsanto to pay \$80 million to Edwin Hardeman, another California man who claimed that using Roundup to control poison oak and weeds on his property was a substantial reason he now has non-Hodgkin's lymphoma. And just last month, jurors in a third case awarded more than \$2 billion to a couple in Livermore, Calif., who argued that using Roundup to control weeds since it was introduced in the 1970s contributed to their non-Hodgkin's lymphoma as well. An additional 11,000 lawsuits are pending in the United States. (Monsanto did not respond to a request for comment.)

Just like states got out ahead of the federal government half a century ago in limiting the use of dangerous pesticides, they are once again erring on the side of caution to protect public health, as evidenced by California, New York and Hawaii's actions against chlorpyrifos.

The problem is that action on a state-by-state and pesticide-by-pesticide basis is insufficient. We need to rethink and reorient our entire system of pesticide regulation to focus on public health and environmental concerns and to consider the less certain long-term consequences alongside the immediately clear ones. Consumers, environmentalists and workers all must recognize their common cause and urge their state legislators and national lawmakers to pass measures insisting that regulatory agencies err on the side of caution regarding all such chemicals. And then regulatory agencies must provide the oversight to make sure it happens.

Why? Because focusing on one pesticide at a time, and only those that pose clear and immediate risks, is how we got here. Even though the United States banned DDT in 1972, chemical companies merely introduced other toxic pesticides. Our regulatory system must favor caution, putting public health before corporate profit. The risk of not doing so is far too great.

### **The Hill**

#### **Overnight Energy: Measure would force EPA to regulate 'forever chemicals' in water**

<https://thehill.com/policy/energy-environment/overnights/448671-overnight-energy-congress-would-force-epa-to-regulate>

**Rebecca Beitsch and Miranda Green**

**FIRST TAKE ON PFAS:** Congress would force the Environmental Protection Agency (EPA) to set a drinking water standard for harmful "forever chemicals" under an amendment introduced late Thursday to the defense policy bill.

Known as PFAS, the chemicals are linked with cancer and other health impacts and have contaminated water in at least 43 states. There's been mounting pressure on government officials to address the problem. The persistence in the environment and the human body has earned it the nickname of "forever chemicals."

The EPA has said it will decide by the end of the year whether it will set drinking water standards for PFAS.

The amendment puts pressure on the agency to speed up that timeline, adopting a drinking water standard within two years for two specific types of PFAS.

The amendment provides an early glimpse at how Congress may address the chemicals this year.

The EPA currently recommends water have no more than 70 parts per trillion of PFAS. But many states, tired of waiting for standards from the federal government, have passed their own more stringent drinking water standards beyond what the EPA currently recommends.

Forcing the EPA to set a standard could prove controversial.

At a recent House hearing on PFAS, several Republicans said they were wary of getting ahead of agency scientists and recommending a specific response to the substance.

But Democrats argue the agency has been delaying action while the problem spreads.

“EPA has given us little reason for confidence that they will act with the urgency that impacted communities know is needed,” Rep. Paul Tonko (D-N.Y.), said at a May hearing.

The Senate amendment would also force EPA to consider barring new uses of PFAS and require PFAS manufacturers to share data on their production.

### **The Hill**

#### **Oregon officials start work removing barrels labeled with Agent Orange chemicals from bottom of lake**

<https://thehill.com/policy/energy-environment/448672-oregon-officials-start-work-removing-barrels-labeled-with-agent>

**Brooke Seipel**

Oregon officials with the Environmental Protection Agency (EPA) this week began removing barrels recently discovered at the bottom of Wallowa Lake marked as containing chemicals.

The Twitter account for U.S. EPA Region 10 tweeted about the ongoing work on Thursday, saying officials were starting to test and remove the 12, 100-gallon drums. The barrels are labeled as containing either 2,4-D or 2,4,5-T, commonly known as Agent Orange, which was widely used during the Vietnam War and has been linked to a number of illnesses, including cancer.

While the cleanup begins, officials said the drinking water source for the city of Joseph was temporarily switched to a backup.

According to a report by Oregon Live, the barrels were discovered by divers in August. An official told the outlet that the drums could be sitting in water between 90 and 140 feet deep, which, combined with cold temperatures in the lake, could complicate the process of obtaining the barrels.

EPA officials planned to operate a remote vehicle on Friday to survey the site and continue planning for the removal of the barrels.

It remains unclear how the drums came to be in the lake, and if they are filled with the chemicals as labeled.

### **The Hill**

#### **Bipartisan senators propose forcing EPA to set drinking water standard for 'forever chemicals'**

<https://thehill.com/policy/energy-environment/448659-congress-would-force-epa-to-regulate-harmful-forever-chemicals-in>

**Rebecca Beitsch**

A bipartisan group of senators on Thursday filed an amendment that would force the Environmental Protection Agency (EPA) to set a drinking water standard for so-called forever chemicals.



Sens. Shelley Moore Capito (R-W.Va.), Tom Carper (D-Del.) and John Barrasso (R-Wyo.) proposed new EPA rules regarding the chemicals known as PFAS, which has been linked to cancer and other health impacts and has contaminated water in at least 43 states.

The chemicals are often referred to as “forever chemicals” because of the time it takes them to break down.

The EPA has said it will decide by the end of the year whether it will set drinking water standards for PFAS. The amendment, filed as part of the annual defense policy bill, would put pressure on the agency to speed up that timeline, adopting a drinking water standard within two years for two specific types of PFAS.

The EPA said it would not comment on pending legislation.

The compromise measure from a bipartisan group of senators on the Environment and Public Works Committee provides an early glimpse at how Congress plans to address the issue this year.

The EPA currently recommends no more than 70 parts per trillion of PFAS in drinking water. But many states, tired of waiting for standards from the federal government, have passed their own drinking water standards that are tougher than what the EPA currently recommends.

Attempting to force the EPA to set a standard would likely meet resistance from some Republicans.

At a recent House hearing on PFAS, several GOP lawmakers said they were wary of getting ahead of agency scientists and recommending a specific response.

But other Republicans argue the agency has been delaying action while the problem spreads.

“EPA has given us little reason for confidence that they will act with the urgency that impacted communities know is needed,” Rep. Paul Tonko (D-N.Y.), said at a May hearing.

Thursday’s Senate amendment would also force the EPA to consider barring new uses of PFAS and require PFAS manufacturers to share data on their production.

The amendment does not, however, make Superfund cleanup money available for places where PFAS has contaminated drinking water.

Carper has been pushing to designate PFAS a hazardous substance under the Superfund law as a way to force responsible parties to clean up the chemical.

In some cases, that party would be the military itself, which has identified more than 400 military sites with suspected PFAS contamination.

### **Bloomberg Environment**

#### **Exxon Mobil Asks EPA to Examine Risks of Two Plastics Chemicals**

<https://news.bloombergenvironment.com/environment-and-energy/exxon-mobil-asks-epa-to-examine-risks-of-two-plastics-chemicals>

#### **Pat Rizzuto**

Exxon Mobil Corp. has asked the EPA to evaluate the health and environmental risks of four chemicals used to make polyvinyl chloride, or PVC, flexible so it can be used for making car parts, carpet backing, coat wires and other purposes, the agency announced June 14.

The request, being managed by the American Chemistry Council's High Phthalates Panel, marks the first time companies have asked and said they are willing to pay for the Environmental Protection Agency to evaluate a chemical they produce since July 2017. That's when the agency issued a rule (RIN:2070-AK20) describing how it would carry out manufacturer-requested risk evaluations.

The EPA will establish by the end of July a docket about the company's requests so that the public can weigh in on them.

The first group of two chemicals goes by the single name diisodecyl phthalate (DIDP), which is produced annually in volumes up to about 250 million pounds, according to Exxon Mobil's request.

The second group of two chemicals also goes by a single name, diisononyl phthalate (DINP). Each of the two chemicals that serve as DINP are produced annually in volumes ranging from 100 million to 250 million pounds, said Exxon Mobil, the Evonic Corp., and Teknor Apex. All three companies joined forces in asking the agency to examine DINP.

Both phthalates were already on a "work plan" list that the EPA pulled together in 2014 naming chemicals it wanted to closely examine.

Under the Toxic Substances Control Act, that means the companies will pay only half of the \$3.88 million the EPA estimates it will cost to evaluate a chemical's risks.

### **Bloomberg Environment**

#### **EPA Says Traveling Smog Won't Impede State Ozone Cuts**

<https://news.bloombergenvironment.com/environment-and-energy/epa-says-traveling-smog-wont-impede-state-ozone-cuts>

**Abby Smith**

The EPA's conclusion that 20 states don't need to install additional smog controls was based on sound modeling, contrary to complaints by several downwind states, the agency said in a June 14 legal filing.

The Environmental Protection Agency said it reasonably found that existing air pollution controls are sufficient for the eastern U.S. to meet federal ozone standards by 2023. Because of this, the EPA determined in December it wouldn't impose new requirements on power plants in 20 upwind states—including Illinois, Pennsylvania, Ohio, and West Virginia.

But six eastern states, led by New York, are suing the EPA, arguing it should have required stricter controls from upwind states to stop ozone-forming pollutants, predominantly nitrogen oxides, from blowing across state lines. Those cross-state pollutants are keeping New York and its counterparts—Connecticut, Delaware, Maryland, Massachusetts, and New Jersey—from meeting federal air quality limits, the states say.

But the EPA is pushing back on the states' claims. It said additional controls in upwind states before 2023 would achieve little extra emissions reductions at a high price tag.

#### **'No Relationship to Reality'**

In its June 14 legal filing to the U.S. Court of Appeals for the District of Columbia Circuit, the agency said it was perfectly reasonable that the eastern states would meet the 2008 air quality standards with existing controls.

The states assume power plants' emissions would increase in the next few years, despite "overwhelming evidence" that downward emissions trends will continue, the EPA said.

Such a constraint in the modeling "would have no relationship to reality," the agency wrote.

#### **'Good Neighbor' Petitions**

The EPA's cross-state air pollution rule, originally issued in 2011, created a trading program to address the interstate transport of ozone-forming pollutants. Ozone exacerbates breathing conditions such as asthma.

New York and Connecticut sued the EPA in January 2018 to try to force the agency to implement stricter controls on upwind states under the "good neighbor" provision. The states argued they wouldn't be able to meet federal ozone standards because of nitrogen oxides blowing in from upwind states.

The U.S. District Court for the Southern District of New York in June 2018 ordered the EPA to issue a plan by Dec. 6 to address the transport of the ozone-forming pollutants.

Several environmental groups—Downwinders at Risk, Appalachian Mountain Club, the Sierra Club, and the Chesapeake Bay Foundation—also are challenging the EPA's December rule.

#### Another Approach

The EPA has thus far refused all states' requests under the "good neighbor" provision, urging the agency to impose stricter controls on upwind states.

But several of the eastern states struggling to meet federal air quality limits may soon try another approach.

Maryland is petitioning the 12 states and the District of Columbia that comprise the Ozone Transport Commission to jointly recommend that the EPA require Pennsylvania to turn on controls at its power plants to capture smog pollution daily during the ozone season, which runs from March to October.

The Ozone Transport Commission on June 11 delayed a vote on Maryland's petition while other states in the group review the request.

The case is *Downwinders at Risk v. EPA*, D.C. Cir., No. 19-01020, brief filed 6/14/19.